

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 19-00099-DKW-KJM
)
Plaintiff,) Honolulu, Hawaii
)
vs.) MAY 1, 2024
)
MICHAEL J. MISKE, JR.,) JURY TRIAL - DAY 61
)
Defendant.) (TESTIMONY OF GOVERNMENT'S
) WITNESS SOCRATES BRATAKOS)

PARTIAL TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DERRICK K. WATSON
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Government: MARK A. INCIONG, AUSA
MICHAEL DAVID NAMMAR, AUSA
AISLINN AFFINITO, AUSA
Office of the United States Attorney
Prince Kuhio Federal Building
300 Ala Moana Boulevard, Suite 6100
Honolulu, Hawaii 96850

For the Defendant: LYNN E. PANAGAKOS, ESQ.
841 Bishop Street, Suite 2201
Honolulu, Hawaii 96813

MICHAEL JEROME KENNEDY, ESQ.
Law Offices of Michael Jerome
Kennedy, PLLC
333 Flint Street
Reno, Nevada 89501

Official Court ANN B. MATSUMOTO, RPR
Reporter: United States District Court
300 Ala Moana Boulevard, Room C-338
Honolulu, Hawaii 96850

Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

1 I N D E X

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4 SOCRATES BRATAKOS

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9

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11 E X H I B I T S

12 None.

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1 THURSDAY, MAY 1, 2024

12:05 P.M. O'CLOCK

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3 (Start of partial transcript:)

4 (Open court in the presence of the jury.)

5 THE COURT: Your next witness.

6 MR. NAMMAR: Socrates Bratakos.

7 COURTROOM MANAGER: Please raise your right hand.

8 SOCRATES BRATAKOS, GOVERNMENT'S WITNESS, SWORN.

9 THE WITNESS: I do.

10 COURTROOM MANAGER: Thank you. You may be seated.

11 THE WITNESS: Thank you.

12 COURTROOM MANAGER: Please state your full name,
13 spelling your last name for the record.

14 THE WITNESS: Okay. My name is Socrates Demetrios
15 Bratakos, and my last name is spelled B-R-A-T-A-K-O-S.

16 DIRECT EXAMINATION

17 BY MR. NAMMAR:

18 Q Mr. Bratakos, can you tell the jury how you're currently
19 employed?

20 A I'm currently working part-time for the State Fire Council
21 as an administrative specialist.

22 Q And what do you do in that role?

23 A And I advise the four county chiefs on legislation, and I
24 help them with testimony, fire code adoption and amendments,
25 National Fire Academy classes, liaison, and other related

1 issues for the fire service for the State of Hawaii.

2 Q What does the State Fire Council do?

3 A The State Fire Council is an agency that's made up of the
4 four county fire chiefs and, more recently, the head of the
5 Division of Forestry and wildlife for the DLNR, and also the
6 airport rescue firefighters for the state DOT, the chief of
7 that organization. And the six of them make up the State Fire
8 Council. It takes the place of the -- a state fire marshal's
9 office, which we don't have in Hawaii. And they advise the
10 governor and the legislature, and they do those other things
11 that I was talking about, mostly adopting the fire code,
12 working together for interagency relations and addressing fire
13 service issues.

14 Q How long have you been in that job with the State Fire
15 Council?

16 A I've been in this job for a little bit over a year.

17 Q How far did you go in school?

18 A I received a bachelor's degree from the University of
19 Hawaii, at Manoa, in business administration. And I attended
20 four classes in -- graduate-level classes in organizational
21 theory at Hawaii Pacific University.

22 Q Did you ever work for the Honolulu Fire Department?

23 A I did work for the Honolulu Fire Department.

24 Q For how many years?

25 A For 34 years, three months.

1 Q And when did you retire?

2 A I retired three years ago, end of June 2021.

3 Q During your 34 years, did you have multiple positions with
4 the Honolulu Fire Department?

5 A Yes, I did have multiple positions.

6 Q What was your rank when you retired?

7 A I retired as an assistant fire chief.

8 Q What is -- what did you do as an assistant fire chief?

9 A As an assistant fire chief I had administrative oversight
10 of divisions that were underneath me. At first, that was the
11 Fire Prevention Bureau and the Training and Research Bureau,
12 when I was an assistant chief of support services. And the
13 last couple of years that I worked I was assistant chief of
14 planning and development, and that was oversight of our
15 communications center, our information technology, and our
16 radio shop.

17 Q You mentioned the Fire Prevention Bureau. What does that
18 do?

19 A The Fire Prevention Bureau handles the fire prevention
20 functions for the City and County of Honolulu, and that
21 includes code adoption and administration, code enforcement, or
22 inspection of buildings and occupancies, plans review, fire
23 investigation, and also fire education, public education.

24 Q Does it do anything in relation to fireworks?

25 A Oh -- yes. And as -- and additionally, the Fire

1 Prevention Bureau does have oversight of fireworks control
2 in -- for the City and County of Honolulu.

3 Q In 2009 to 2011, were you working -- was the Fire
4 Prevention Bureau under your control?

5 A In that time period, I was the battalion chief of the Fire
6 Prevention Bureau.

7 Q What is the -- what does the battalion chief do?

8 A So battalion chief is the supervise -- direct supervisor
9 for the captains of those different functions that I mentioned
10 earlier. It -- administration, codes enforcement, plans
11 review, fire investigation, public education, fireworks, and at
12 the time, also, I assisted with the oversight of the State Fire
13 Council.

14 Battalion chief is responsible for the personnel and human
15 resources issues for the budget of the -- of the -- of the
16 bureau as well.

17 Q Who did you report to as the battalion chief?

18 A I reported to the assistant chief. At that time was
19 Manuel Neves.

20 Q And regarding fireworks, who were some of the folks that
21 were underneath that you supervised?

22 A At that time during those years, I had two part-time
23 contract workers, Steve Kishida and Chuck Perry. And some of
24 the inspectors also assisted with fireworks inspections,
25 although that was not their primary duty.

1 Q Stephen Kishida and Chuck Perry, what were their titles?

2 A They were the fireworks auditor was the actual title of
3 the job.

4 Q What does the fireworks auditor do?

5 A Fireworks auditor works on the licensing and permitting
6 for fireworks for importers, wholesalers, storage and
7 retailers, as well as assisting with the general permits, and
8 the largest time is New Year's Eve, and coordinates with the --
9 with the other city departments on that. So they work on -- on
10 reviewing the operations of the companies that are -- are doing
11 fireworks business, checking on their inventories and
12 occasionally doing inspections of their work sites, as well as
13 making reports.

14 Q Those businesses that you mentioned that sell fireworks,
15 store fireworks, import fireworks, do you need a license for
16 all those things?

17 A Yes, you do.

18 Q Who gives that license?

19 A The Honolulu Fire Department gives that license under the
20 authority of the fire chief.

21 Q What is a -- have you ever heard of the term "display"?

22 A Yeah. Display fireworks are the larger fireworks that are
23 used for public shows, not by individuals.

24 Q Are they also sometimes called 1.3?

25 A They are also typically 1.3G fireworks.

1 Q And on the other side, what is a 1.4G firework?

2 A 1.4G firework is the smaller ones that are -- include
3 firecrackers, could be showers, fountains, spinners, the
4 smaller ones that are used for personal purposes.

5 Q And displays, what, if anything, does Honolulu Fire
6 Department do with respect to displays?

7 A So respect to displays and -- then we look at the -- the
8 application that is sent in for the display. We check that the
9 company is licensed and bonded, is doing it at an appropriate
10 site. We'll check the inventory list against a report
11 afterwards, and we may do a site inspection too.

12 Q Did they need to get a permit in advance of the display to
13 shoot off fireworks at a display?

14 A Yes. They -- in order to get a permit for the display,
15 they have to apply at least 20 days before the time and date,
16 and it's to -- the display is supposed to happen.

17 Q What is -- have you heard of an agency called the ATF?

18 A The ATF is the Bureau of Alcohol, Tobacco and Firearms, a
19 federal agency.

20 Q Would you interface with them as necessary in fireworks
21 enforcement?

22 A Not -- not myself, in general. But at times our fireworks
23 auditors would interface with the ATF as -- as well as some
24 other agencies too.

25 Q Would you also interface some with HPD?

1 A Yes, we would with Honolulu Police Department. Yes.

2 Q When would they get -- when would you get involved with
3 the Honolulu Police Department?

4 A We'd involve them if we thought that there was any problem
5 that we were seeing with -- with inven -- with inventory
6 control or any purposes that might be deemed un -- unlawful, or
7 if we were notified of something unusual going on, and then we
8 would -- we would let our counterparts at HPD know, the people
9 that -- that my auditors worked with most regularly.

10 Q How would you guys try to monitor display companies that
11 put on displays when you were a battalion chief in the Fire
12 Prevention Bureau?

13 A Well, we would go to and inspect the fireworks that they
14 had in storage, and we would go -- not every time -- to the
15 sites when they were conducting the -- conducting the displays
16 and see the setup, and not me personally, but the people that
17 worked for me would do that, check that the display was being
18 set up properly and -- and the inventory of it matched up with
19 what we had been reported to.

20 Q The inventory matching up, did you guys have general
21 concerns about fireworks being sold on the black market?

22 A Well, we did, because if the inventories didn't match up,
23 then that could mean that those fireworks were going elsewhere
24 and including being sold on the -- on the black market.

25 Q In 2009, were you guys sending an inspector to every

1 single display?

2 A No. We weren't sending them to every single display. We
3 were using inspectors on overtime. It was a -- kind of an
4 adjunct to their job. We would try to do the major displays --
5 not the one at the Hilton every week, but we would try to get
6 to all of them, but we didn't always make it.

7 Q It was a resource issue in part?

8 A Yeah. Yes.

9 Q Have you heard of a company called Island weddings and
10 Events?

11 A I do recall a company called Island weddings and Events.

12 Q Did you have some issues with them in the 2009, '10, and
13 '11 time frame?

14 A Island weddings and Events was supposed to do some shows.
15 The issue I remember the most clearly was there were some New
16 Year's Eve show or shows that were supposed to happen out at
17 Kualoa Ranch and -- and we did do inspection of that show and
18 the -- and the inventories didn't match up for -- for that
19 event.

20 Q What do you mean, the inventories didn't match up?

21 A We had a long list of -- a big list of -- of inventory
22 that was supposed to be shot off for the displays, but that
23 didn't match what -- what the inspectors found at the site.

24 Q Have you heard of what's called like a shot list?

25 A Yes, I have heard of what is called a shot list.

1 Q what is that?

2 A That's a -- a long list in detail of what is supposed to
3 be exploded during the display.

4 Q So did Island Wedding and Events submit a shot list after
5 the Kualoa show?

6 A They did submit a shot list that I recall.

7 Q And you noticed some discrepancies between what the
8 inspectors actually saw and what was being claimed to be shot
9 off?

10 A I didn't notice it myself, but the inspectors did tell me
11 there was a discrepancy.

12 Q Island Weddings and Events, who did you think the owner of
13 that company was?

14 A I understood Mike Miske. At the time I thought of him as
15 Mike Stancil, to be one of the owners. I didn't really know if
16 there was any other owners at the time.

17 Q When you got information about this shot list from your
18 inspector or auditor and it didn't match up to what the
19 inspector said, did you do some personal follow-up on your own?

20 A I -- I said that -- I asked to make a meeting, which
21 eventually we -- we did -- we did have.

22 Q Okay. Before we get to that, do you know somebody by the
23 name of John Morgan?

24 A Oh, yes. I do know John Morgan. He's the CEO of Kualoa
25 Ranch. I -- I called him to ask him some questions and I -- I

1 asked him: Did you have -- did you have a show on New Year's
2 Eve? And he said, yeah, for the employees.

3 I said were they -- did you have four shows? Were they
4 really big like Ala Moana? And he said no. They didn't. And
5 I said, well, you might want to be careful with the -- with the
6 vendor that you're using that -- 'cause it was reported that
7 there was more bigger displays than we have records of.

8 Q And after having that conversation with Mr. Morgan, did
9 that raise some of your concerns about the inventory
10 discrepancies?

11 A Yes, because of what he told me, he said, that did raise
12 concerns for me.

13 Q And as you mentioned before, one of the concerns was that
14 these fireworks could end up on the black market?

15 A Yes. I was concerned about that.

16 Q Why does that matter to the fire department?

17 A Well, the fire department is supposed to uphold the --
18 uphold the law and the ordinance of the City and County of
19 Honolulu, and that includes strict control of fireworks and --
20 and doing our best not to allow them to be sold illegally and
21 used illegally.

22 Q Is there also a safety concern?

23 A Yeah, there's a big safety concern, 'cause those are
24 explosives, and fireworks have been known to hurt -- hurt or
25 even kill people. So -- or do damages to property.

1 MR. NAMMAR: Your Honor, can we publish at this time
2 9-80, which is from the original list, page 36?

3 THE COURT: Go ahead.

4 MR. NAMMAR: Thank you.

5 And why don't we zoom in on the middle email.

6 THE WITNESS: Okay. And this looks like --

7 MR. NAMMAR: Hold on. Hold on one second.

8 (Confers off the record.)

9 MR. NAMMAR: Yeah, if we can zoom in on this email
10 now.

11 BY MR. NAMMAR:

12 Q Do you recognize the person that's listed as from?

13 A Yes. Steve Kishida sent this email and cc'd me and Chuck
14 Perry.

15 Q And Steve Kishida was one of your auditors?

16 A Yes, he was.

17 Q And so was Chuck Perry?

18 A Yes.

19 Q And it's to: Aloha Richard. Did you know who this was
20 to?

21 A Richard MacGyver [verbatim] was to my knowledge managing a
22 fireworks company.

23 Q And it references chief -- Battalion Chief Bratakos.
24 That's you, correct?

25 A Yes.

1 Q And a meeting on March 3rd, 2010, at the Honolulu Fire
2 Department?

3 A That's correct.

4 Q Did that meeting take place?

5 A That meeting did take place.

6 Q Were you there?

7 A I was present.

8 Q And who else was there?

9 A I think that Steve Kishida was there, Richard MacGyver
10 [verbatim]. I believe Mike Miske came. I think they had an
11 attorney, but I don't recall who. And my administrative
12 captain, Gary Lum, came too.

13 Q And why did you hold this meeting?

14 A I held the meeting to discuss the nature of the -- the
15 paperwork and the business that was being done by Island
16 weddings and Events on fireworks, and make sure that we
17 presented that there could not be discrepancies, that
18 everything had to be conducted according to the law. There
19 needed to be permits, licenses, inventories control needed to
20 be maintained. Otherwise we would be unable to renew the
21 license.

22 Q And did you also -- when you say discrepancies, were you
23 referring to the inventory discrepancies you've talked about
24 already?

25 A Yes.

1 Q And around that same time period --

2 MR. NAMMAR: We can take that down.

3 BY MR. NAMMAR:

4 Q Did you also have another meeting with Michael Miske?

5 A I had another meeting with Michael Miske outside of the
6 office.

7 Q Do you recall whether this was before or after this
8 March 3rd, 2010 meeting?

9 A I don't recall for sure. I -- I think it was a little
10 after, but I don't remember.

11 Q And how was that second meeting set up?

12 A It was -- Josiah Akau asked me if I would meet with Mike
13 Miske out in public and I -- I agreed to that.

14 Q Who is Josiah Akau?

15 A Josiah Akau is a firefighter and Mike's cousin or calabash
16 cousin.

17 MR. NAMMAR: Your Honor, can we publish 1-50?

18 THE WITNESS: That's Josiah.

19 MR. NAMMAR: Sorry. One second.

20 THE COURT: Yes. Go ahead.

21 BY MR. NAMMAR:

22 Q Mr. Bratakos, 1-50 is up on the screen now. Do you
23 recognize this person?

24 A Yes. That is Josiah Akau.

25 Q He's the person that asked to set up the meeting?

1 A Yes.

2 Q Did he say what it was about, do you recall?

3 A That it would be about fireworks.

4 Q Okay. And did you agree?

5 A And I agreed to meet.

6 Q Who was present at the meeting?

7 A That was only Mike, Josiah, and myself were present.

8 Q Where did the meeting take place?

9 A We met in Kailua, outside of Times Supermarket, in a
10 parking lot.

11 Q And as you mentioned, you knew Michael, I think you said
12 his name was Stancil at the time?

13 A Yeah, I thought it was Mike Stancil.

14 Q Why did you think his name was Stancil?

15 A I knew him from a longer time ago and knew that he was
16 related to the Stancil -- Stancil family.

17 Q Do you see Mr. Miske in the courtroom today?

18 A I -- I don't see him right now.

19 Q Okay. Let me show you a photo.

20 MR. NAMMAR: Can I publish 1-37?

21 THE COURT: You may.

22 BY MR. NAMMAR:

23 Q Do you recognize the individual that's shown here?

24 A Yes. That's Mike Miske.

25 Q And this is the person that you knew at the time as

1 Michael -- Michael Stancil?

2 A Yes, that's correct.

3 Q Why did you think he was Michael Stancil?

4 A I thought it was Mike Stancil because I knew some of the
5 Stancil family who were related cousins with the Akaus, and I
6 knew that he was part of that family. And so I thought that
7 was his last name.

8 Q Did you think it was unusual that they would want to have
9 this meeting at a supermarket?

10 A You know, sometimes people want to explore off the record
11 if there's something they could do to -- to further their --
12 their case and if they know somebody who's a family or -- or a
13 friend. So -- and the main thing is not -- not to be -- not to
14 be influenced by that, especially as regarding that's not a
15 regular meeting, and that's not official. It's not on the
16 government territory.

17 Q What was said at this meeting at the supermarket?

18 A I mean, what -- the general sense that I conveyed to Mike
19 is that the fire department was not interested in stopping or
20 hampering his business but that he had to do it legally and
21 properly. And -- and that included maintenance of the
22 inventory, providing the correct lists for the displays that
23 are being shot off, doing the displays properly, and that had
24 to occur in the future or we would not be able to reissue his
25 company a license.

1 Q what was Mr. Miske's response to this?

2 A He responded that he understood, that that would be the
3 case.

4 MR. NAMMAR: We can take that down.

5 BY MR. NAMMAR:

6 Q I want to switch gears now and talk to you about
7 firecracker permits.

8 A Okay.

9 Q Do you know what that is, firecracker permit?

10 A A firecracker permit is a permit to light off
11 firecrackers. Usually you buy it for \$25 from the City and
12 County of Honolulu or the fire department prior to display.
13 And that will entitle you to purchase up to 5,000 firecrackers
14 to light off.

15 Q who can get those?

16 A Any member of the public can get a firecracker permit.

17 Q what's a firecracker?

18 A Firecracker is a -- an explosive device that's about an
19 inch, up to an inch and a half long, I believe, and a quarter
20 inch in diameter, filled with pyrotechnic materials intended to
21 be exploded.

22 Q where are those permits given out?

23 A Those permits are given out at either the satellite city
24 halls for the bigger holidays, like New Year's and July the
25 Fourth, or at the Honolulu Fire Department headquarters.

1 Q And are they back -- back in 2009 and '10 were they carbon
2 copy forms?

3 A They were. They were carbon copy forms in triplicate.

4 Q And who would get the triplicate copies, if you know?

5 A There was a white, a pink, and a yellow one. There was
6 one for the applicant themselves, there was one for the vendor,
7 and there was one for the Honolulu Fire Department.

8 Q Was it a busy time for these around New Year's Eve?

9 A Very busy time around New Year's Eve typically, yes.

10 Q Many of the members of the public who want them?

11 A Yes. It's been from -- during the years I was working,
12 anywhere between ten to twenty thousand permits were sold at
13 that time.

14 MR. NAMMAR: Your Honor, can we publish 9-85 from the
15 original list?

16 THE COURT: Go ahead.

17 MR. NAMMAR: Can we go to page 2.

18 BY MR. NAMMAR:

19 Q And it's a little hard to read, but maybe we can zoom in
20 on the top.

21 Do you recognize what this form is?

22 A This is a fireworks permit.

23 Q And it has a box checked "New Year's Eve." That's when
24 you're saying is one of the most popular times?

25 A Yes.

1 Q Focusing on 2009, New Year's Eve, do you recall that after
2 2009 New Year's Eve that you became aware of some issues
3 related to firecracker permits?

4 A I recall generally that there was one issue with some
5 false permits, a large number of 'em.

6 Q And were they affiliated with a certain store?

7 A Yeah. I think -- I want to say it was six or seven
8 hundred permits affiliated with the Hygienic Store out in
9 Kahaʻuluu.

10 Q What is the Hygienic Store?

11 A Hygienic Store is just a small mom and pop general store.

12 MR. NAMMAR: Can we publish, Your Honor, 9-57 from
13 the original list?

14 THE COURT: Yes. Go ahead.

15 BY MR. NAMMAR:

16 Q Do you recognize what's shown here?

17 A Yes. This is the Hygienic Store.

18 Q Is that a store you're familiar with?

19 A Yes, I am familiar with this store.

20 Q Why?

21 A Because I live in Kaaawa, so I pass this store pretty much
22 every day and have stopped there several times.

23 Q And you talked to us about issues with 700 false permits
24 from the Hygienic Store. Who made you aware of that?

25 A Stephen Kishida let me know about that.

1 Q And based upon your driving by this store every day, did
2 700 permits out of this store make sense to you?

3 A No, it didn't. They would not be able to handle that
4 amount of sales, so that did not make sense.

5 Q What do you mean by they wouldn't be able to handle that
6 amount of sales?

7 A 700 permits would mean, you know, that they sold people
8 700 times, up to 5,000 firecrackers. They couldn't hold so
9 many over there or -- or I don't think they could have done
10 that vol -- volume of sales either.

11 Q And when Mr. Kishida informed you of these false permits
12 associated with the Hygienic Store, did you give him direction
13 about who he should contact?

14 A He -- yeah. I said that he needed to let HPD know.

15 Q Do you recall if anything happened with HPD?

16 A I don't recall exactly what the follow-up was.

17 MR. NAMMAR: We can take that down.

18 THE COURT: Mr. Nammar, I don't know how much more
19 you have.

20 MR. NAMMAR: I think this is a good pivot.

21 THE COURT: All right.

22 MR. NAMMAR: We can take a break.

23 THE COURT: All right. We'll go ahead and take our
24 second and final break of the trial day then at this point.
25 I'll remind our jurors to please refrain from discussing the

1 substance of this case with anyone. Also, please refrain from
2 accessing any media or other accounts of this case that may be
3 out there. And finally, please do not conduct your own
4 investigation into anything relating to this case.

5 we'll take a few minutes and then resume with
6 Mr. Bratakos's direct examination.

7 COURTROOM MANAGER: All rise for the jury.

8 (The jury was excused at 12:34 p.m.)

9 (The proceedings recessed at 12:34 p.m. until
10 12:57 p.m.)

11 (Open court in the presence of the jury.)

12 THE COURT: All right. So everyone's back from the
13 second and final break of the trial day.

14 Mr. Nammar, you may resume with Mr. Bratakos.

15 MR. NAMMAR: Thank you.

16 BY MR. NAMMAR:

17 Q Mr. Bratakos, we've talked about the discrepancies that
18 you noticed with Kualoa Ranch. You said that led to a meeting
19 at the fire station, and you had also had another meeting with
20 Mr. Miske in Kailua, with Josiah Akau.

21 Moving forward into 2010, did you continue to have some
22 inventory discrepancy issues with Island Weddings and Events?

23 A Yes. I think I remembered that there was one more
24 inventory discrepancy near -- about the beginning of 2010.

25 Q Okay. And around that time, did you also get information

1 about fireworks seized in the community that may have been
2 related to Island Weddings and Events?

3 A We also heard that there might be --

4 MS. PANAGAKOS: Objection.

5 A That there was some fire --

6 MS. PANAGAKOS: Hearsay.

7 THE COURT: Overruled.

8 A Fireworks being sold out on the --

9 MR. NAMMAR: Wait. Hold on.

10 Sorry, Judge, I didn't hear the ruling.

11 THE COURT: Overruled. Go ahead.

12 BY MR. NAMMAR:

13 Q So let me ask you it again.

14 Around that same time period, 2010, did you also learn
15 some information about fireworks being seized in the community
16 that you believed may have been related to Island Weddings and
17 Events?

18 A We were told that there were some fireworks being out on
19 the -- sold out on the street that seemed similar to the
20 fireworks from the inventory from Island wedding and Events.

21 Q And did it also cause you some concern?

22 A That gave me concern too.

23 MR. NAMMAR: Your Honor, can we publish 9-80 again?

24 THE COURT: Go ahead.

25 MR. NAMMAR: Page 136 now. And zoom in on the middle

1 email.

2 Actually, can we get the header in there too? Yeah.

3 Perfect.

4 BY MR. NAMMAR:

5 Q Steve Kishida, you told us he was one of your auditors?

6 A Yes.

7 Q And you're copied again on this one. Do you see that?

8 A Yes.

9 Q And this is from Stephen to Richard. Do you see that?

10 A Correct.

11 Q And is he talking about more discrepancies that were
12 coming up in the inventories?

13 A He is talking about that.

14 Q And is Mr. Kishida saying: Please treat these issues with
15 high priority?

16 A He is saying that.

17 MR. NAMMAR: Can we zoom out.

18 BY MR. NAMMAR:

19 Q Is this a response to this email at the top from Richard
20 MacGuyer?

21 A Yes, that's correct.

22 Q And the date of this is in December of 2010. Do you see
23 that?

24 A Yes, I do.

25 Q Based in part on some of these discrepancies that are

1 mentioned here, do you recall that an inspection was scheduled
2 in January of 2011?

3 A I do recall that Stephen was going to conduct a follow-up
4 inspection.

5 Q And what happens at an inspection?

6 A I don't think that inspection happened because it was
7 reported to us that there was a theft of a lot of inventory at
8 the site.

9 Q Okay. Generally, though, what happens in inspections when
10 your auditors go out there? What do they do?

11 A Well, they go out and check the inventory against the list
12 that we've been previously provided.

13 Q And where do they go out and do that?

14 A Most of the storage sites are out at waikele caves.

15 Q What is that?

16 A Waikele caves are some old military bunkers that have been
17 re-purposed for storage, including fireworks storage, and this
18 is one of them.

19 MR. NAMMAR: If we go -- if we can bring up page 139
20 now, and zoom in on the entire second email.

21 BY MR. NAMMAR:

22 Q So this is January 13th, 2011. Do you see that?

23 A Yes, I do.

24 Q Again, you're copied on this email?

25 A That's correct.

1 Q And this is from Stephen Kishida?

2 A Yes.

3 Q And is he talking about the magazine inspection that you
4 have just testified to?

5 A Yes, the magazine inspection is a site at waikele caves.

6 Q And this inspection never happened?

7 A Not to my knowledge.

8 Q And that was because a theft was reported?

9 A That's correct.

10 Q Who reported the theft?

11 A I believe Richard MacGyver [verbatim] informed Stephen
12 Kishida.

13 Q Did the report of a theft right before an inspection, did
14 that make sense to you?

15 A That indicated a problem. I had seen that before with
16 some fireworks companies. If there was pressure, then
17 sometimes there would be all of a sudden everything would go
18 missing. The storage got broken into and disappeared.

19 Q And did you consider the timing of the reported theft
20 suspicious?

21 A I did. And it seemed suspicious.

22 Q Why? Why did you think the timing was suspicious?

23 A Because we were about to go down and -- and check what
24 was -- what was in the storage, and all of a sudden it
25 disappeared.

1 Q After this theft was reported, do you recall what happened
2 with the business Island Weddings and Events?

3 A I think that Island Weddings and Events stopped doing
4 fireworks business after that.

5 MR. NAMMAR: Pass the witness, Your Honor.

6 THE COURT: Ms. Panagakos, when you're ready.

7 MS. PANAGAKOS: Thank you.

8 CROSS-EXAMINATION

9 BY MS. PANAGAKOS:

10 Q Good afternoon, Mr. Bratakos.

11 So with regard to the Hygienic Store, there was a tent
12 outside the store where the firecrackers were being sold,
13 right?

14 A I don't recall.

15 Q And what was -- what was being sold at the Hygienic Store
16 was firecrackers, right?

17 A That's correct.

18 Q That any individual can buy with a permit that you can get
19 at city -- Satellite City Hall?

20 A Yes. That's --

21 Q And set 'em off on New Year's Eve?

22 A That is correct.

23 Q Do you recall being interviewed by the IRS in
24 November 2023?

25 A I do not recall.

1 Q You recall meeting with (indicates) people from the
2 prosecution team, about six months ago, five months ago?

3 A Oh, oh, in '23?

4 Q Yes.

5 A Oh, yes, I do. Yes.

6 Q And you provided information such as you're providing now?

7 A Yes, that's correct.

8 MS. PANAGAKOS: I'd like to show Mr. Bratakos
9 Exhibit 9476-001, which is on our 45th Supp.

10 THE COURT: Go ahead.

11 BY MS. PANAGAKOS:

12 Q This is a memorandum of the interview that you
13 participated in?

14 MS. PANAGAKOS: And if we could turn to -- let me
15 see -- page 4.

16 BY MS. PANAGAKOS:

17 Q And I direct your attention to paragraph 19, if you would
18 just read that to yourself. And then let me know when you're
19 finished.

20 A I'm finished.

21 Q Do you recall whether it was actually tents outside the
22 Hygienic Store where the firecrackers were sold?

23 A I don't recall if there was a tent outside and --

24 Q Do you recall telling members of the prosecution team that
25 there were multiple tents outside and that's where they were

1 being sold?

2 A I did -- do not recall telling them that. I think I said
3 there may have been a tent but I didn't remember.

4 Q Okay. And you never saw these permits, right? It's just
5 Mr. Kishida told you about them?

6 A He had a stack and he did show them to me.

7 Q And you're aware that your office threw them away?

8 A I am not aware that we threw them away.

9 Q Are you aware that they no longer exist?

10 A I am not aware they no longer exist.

11 Q You -- so the firecrackers that were sold at the Hygienic
12 store, those are 1.4G, right?

13 A That's correct.

14 Q The display firecrackers are 1.3G?

15 A Yes.

16 Q And are you aware that -- so in addition to being licensed
17 through the fire department, you also need an ATF license for
18 those, right?

19 A Yes, that's right.

20 Q And are you aware that the licensees for Island Weddings
21 and Special Events were Richard MacGuyer and Archie Ahuna?

22 A I recalled Richard MacGyver [verbatim]. I didn't remember
23 Archie Ahuna.

24 Q And then are you aware that in April of 2010, the ATF
25 issued Mr. MacGuyer his own license?

1 A I did not know that.

2 Q With re -- did you ever -- let me --

3 MS. PANAGAKOS: I'd like to publish 9-80, page 32.

4 THE COURT: Go ahead.

5 BY MS. PANAGAKOS:

6 Q And this is a daily summary of magazine transactions.

7 You're familiar with this document?

8 A I have seen this before.

9 Q And this is for Island Weddings Special Events. And so
10 this is page 1 of the daily summary.

11 MS. PANAGAKOS: If we could move to the next page.

12 This is page 2. And then the next page.

13 BY MS. PANAGAKOS:

14 Q And so the issue that you testified about was the New
15 Year's Eve Kualoa Ranch 2009, right?

16 A Yes.

17 Q Okay.

18 MS. PANAGAKOS: So if we can move back to page 1 -- I
19 mean which is page 32. Okay.

20 BY MS. PANAGAKOS:

21 Q So you see that there were a number of shows by Island
22 weddings prior to that show?

23 A I see that.

24 Q Okay. And no issues with regard to any of these shows
25 that you investigated?

1 A Not that I'm aware of.

2 Q Okay.

3 MS. PANAGAKOS: Now if we could move to page 34.

4 BY MS. PANAGAKOS:

5 Q And on the daily summary of magazine transactions, Island
6 weddings and Special Events reported that 565 cases were fired
7 at Kualoa Ranch that day, right?

8 A That's what it says, yes.

9 Q And your testimony is that Mr. Kishida was physically
10 there?

11 A Not Mr. Kishida. I believe the inspectors Neves and
12 Mokulehua went there.

13 Q All right. And Exhibit 9-80, which was admitted during
14 the testimony of Mr. Kishida, there's a couple of -- it's 145
15 pages of this case file. Nothing in there indicating that
16 anyone was actually inspected that show?

17 MR. NAMMAR: Objection to counsel testifying.

18 THE COURT: Is that a question?

19 BY MS. PANAGAKOS:

20 Q If such an inspection occurred, would it be in this case
21 file?

22 A would be it in the --

23 Q The fire department's case file.

24 A I believe it would, yes.

25 Q Okay. And so if it's not, that might call into question

1 the accuracy of your recollection on that point, right?

2 A That's correct.

3 MS. PANAGAKOS: And if we can move to page 6 of this
4 document.

5 BY MS. PANAGAKOS:

6 Q And you see this is an email from Mr. MacGuyer, the
7 licensee, to Mr. Kishida describing the shows on New Year's
8 Eve. You see that?

9 A Yes, I do.

10 MS. PANAGAKOS: If we could move to page 16.

11 BY MS. PANAGAKOS:

12 Q Is this an email dated February 8th, 2010, from
13 Mr. Kishida to -- if we could -- thank you.

14 To Mr. MacGuyer asking for the product list?

15 A Yes, I see that.

16 Q Not saying, hey, we had inspectors and it didn't happen,
17 but instead asking for the product list, right?

18 A Correct.

19 Q Okay.

20 MS. PANAGAKOS: And then if we can move to page 18.

21 BY MS. PANAGAKOS:

22 Q You see here this is the email from Mr. MacGuyer to
23 Stephen Kishida, attaching the product list?

24 A Yes.

25 MS. PANAGAKOS: And if we can move to page 20 -- I

1 mean page 19.

2 BY MS. PANAGAKOS:

3 Q This is for the first display, right?

4 The product list for the first display?

5 A Yes. I see the -- on the top first display.

6 MS. PANAGAKOS: And then if we can move to page 20,

7 product list for the second display.

8 Move to page 21, product list for the third display.

9 And then move to page 22, product list for the fourth

10 display.

11 BY MS. PANAGAKOS:

12 Q And those product lists are consistent with the daily

13 summary of magazine transactions, page 34 of this document,

14 right?

15 MS. PANAGAKOS: If we can move to page -- yeah.

16 BY MS. PANAGAKOS:

17 Q Correct?

18 A Yes. That's correct.

19 Q And again, these communications are being handled on

20 behalf of Island weddings by Richard MacGuyer, the licensee,

21 correct?

22 A Yes, that's correct.

23 Q And then sometime in early March then you had a meeting

24 with Mr. MacGuyer and Mr. Kishida?

25 A Yes.

1 Q And your recollection is Mr. Miske was there?

2 A Yes. To my recollection.

3 Q And your -- who you do not see in the courtroom?

4 A I -- that's right.

5 Q And then following that meeting, was there an inspection?

6 A We planned to make an inspection following that meeting.

7 Q Was there an inspection in March of 2010?

8 A We planned to make an inspection in 2010. I don't recall
9 if that happened.

10 MS. PANAGAKOS: And if we could show Mr. Bratakos
11 9452, Exhibit 9452-004, which is on the 27th supplemental list
12 and I believe was admitted.

13 THE COURT: Go ahead.

14 MS. PANAGAKOS: And may we publish?

15 THE COURT: You may.

16 MS. PANAGAKOS: And if we could move to page 4 of
17 this document, and highlight this paragraph.

18 BY MS. PANAGAKOS:

19 Q Do you see that this is a report of a March 24th, 2010
20 investigation conducted by Eric Bennett of the ATF and
21 inspectors of the Honolulu Fire Department?

22 A Yes, I do.

23 Q And are you -- you're aware that following that inspection
24 Mr. MacGuyer was once again issued a license?

25 A I didn't recall that.

1 Q He retained his license until sometime in 2011, after the
2 theft, right?

3 A Yes.

4 MS. PANAGAKOS: And if we can move to page 64.

5 of -- I'm sorry, 2, dash, 80, page 64.

6 THE COURT: Two, dash, 80? Are you sure that's the
7 right cite?

8 MS. PANAGAKOS: Not -- I'm sorry, Your Honor. Nine,
9 dash, 80, page 64.

10 THE COURT: Go ahead.

11 BY MS. PANAGAKOS:

12 Q And you see here this is an email from Mr. Kishida,
13 April 1, 2010, following that March 24th, 2010 inspection?

14 A I still see it, and it's a small discrepancy.

15 Q A small discrepancy. 228 items missing out of over 27,000
16 or so in the inventory, right?

17 A Correct.

18 Q And Mr. MacGuyer reported that those 228 items had
19 actually been fired on New Year's Eve but were still
20 incorrectly listed in the inventory?

21 A I didn't recall that.

22 Q Okay. But you see Mr. Kishida saying "everything checked
23 out" following the joint ATF and Honolulu Fire Department
24 inspection?

25 A Yes. I do see that.

1 Q And then --

2 MS. PANAGAKOS: We can take that down.

3 BY MS. PANAGAKOS:

4 Q At the time of your meet -- your second meeting with
5 Mr. Miske, you were employed at the Honolulu First Department?

6 A That's correct.

7 Q And Josiah Akau was employed at the fire department?

8 A That's correct.

9 Q And Josiah Akau asked you for this meeting?

10 A Yes, what I remember.

11 Q You didn't talk to Mr. Miske prior to this meeting at the
12 parking lot, other than at the meeting in your office where he
13 may have been?

14 A I did not.

15 Q And nothing untoward happened at that meeting?

16 A No. It did not.

17 Q He didn't ask you for any favors?

18 A No, he did not ask for any favors.

19 Q Didn't offer you any money?

20 A No, he did not offer money.

21 Q Didn't offer you any gifts?

22 A No. He did not.

23 Q And then following that March 24th transaction -- I mean
24 inspection, March 24th, 2010 inspection, Island Weddings and
25 Special Events was approved to have another display on

1 July 4th, 2010 of that year, right?

2 A I don't remember that.

3 MS. PANAGAKOS: If we can move to page 103 of 9-80.

4 BY MS. PANAGAKOS:

5 Q You see there a conditional approval for the show on
6 July 4th, 2010?

7 A I do see that.

8 MS. PANAGAKOS: And then if we could publish 9-64,
9 which I believe was admitted?

10 THE COURT: Go ahead.

11 MR. KENNEDY: (Confers with counsel.)

12 MS. PANAGAKOS: Okay.

13 The exhibit that's currently on the screen, may we
14 publish that? I don't know if it's been published.

15 THE COURT: What exhibit is this?

16 MS. PANAGAKOS: This is --

17 MR. KENNEDY: Now it's published.

18 MS. PANAGAKOS: -- 9-80.

19 THE COURT: 9-80 is admitted. Go ahead.

20 BY MS. PANAGAKOS:

21 Q So this is -- this was Mr. Kishida's conditional approval
22 of a July 4th, 2010 show pending receipt of the proper report
23 from the Coast Guard?

24 A Per this email, yes.

25 MS. PANAGAKOS: And if we could now publish 9-64?

1 THE COURT: Go ahead.

2 BY MS. PANAGAKOS:

3 Q And are you aware that this is the display list for that
4 July 4th show?

5 A I had not been, but --

6 MS. PANAGAKOS: And can we now move to 9-68, which
7 was also admitted?

8 THE COURT: Yes. Go ahead.

9 BY MS. PANAGAKOS:

10 Q And are you aware that this, you see, is a July 20th, 2010
11 itemized inventory for Honolulu Fire Department?

12 A I see that.

13 Q Okay.

14 A I was not aware of it.

15 Q You were not aware of the July 10th, 2000 [verbatim] show
16 or what was remaining and reported to the fire department
17 afterward?

18 A I was not.

19 Q Okay. So just to sum up, following the -- you can see
20 that with regard to the New Year's Eve 2009 show, Island
21 weddings and Special Events reported to Mr. Kishida the use of
22 565 cases?

23 A I saw that.

24 Q And it was reported on the daily magazine -- summary of
25 magazine transactions?

1 A I did see that as well.

2 Q And following that there was an inspection in March of
3 2010?

4 A That's correct.

5 Q And everything checked out according to your employee,
6 Mr. Kishida, except for a small discrepancy?

7 A That's right.

8 Q And then Mr. MacGuyer retained his license until 2011?

9 A That's correct.

10 Q And it looks from this paperwork like a July 10th, two
11 thousand -- 2010 show was in the works?

12 A Yes.

13 Q And all of -- and this -- the person responsible for
14 compliance were the licensees?

15 A That's correct, Richard MacGyver [verbatim].

16 MS. PANAGAKOS: I have nothing further. Thank you.

17 THE COURT: Mr. Nammar.

18 REDIRECT EXAMINATION

19 BY MR. NAMMAR:

20 Q So the paperwork you've been just asked about, I mean, it
21 depends on the honesty of the person who's submitting you the
22 papers, right?

23 A That is -- that is right.

24 Q And after the New Year's Eve show, when you learned that
25 545 cases were shot off, you had some concerns, right?

1 A I thought that was a awful big number for Kualoa Ranch.

2 Q And so you followed up with John Morgan?

3 A I did.

4 Q And he solidified your concerns?

5 A Yes.

6 Q And then after that you had a meeting?

7 A That is correct.

8 Q And then you had another meeting with Mr. Miske?

9 A Yes.

10 Q Any doubt in your mind that you met with Mr. Miske, who
11 you thought was named Mr. Stancil at that time?

12 A No.

13 Q Any doubt in your mind that it was Josiah Akau, a fellow
14 firefighter, who contacted you to set up that meeting?

15 A No. He did.

16 Q And you were shown a lot of different emails, asked about
17 a lot of different things. Many of those emails you weren't
18 even on.

19 When you were the battalion chief, were you supervising a
20 number of different people?

21 A I was supervising about 40 people.

22 Q Okay. So did you have time to get in the weeds about
23 every single display, or did you rely on your inspectors and
24 auditors for that?

25 A No, I relied on the inspectors heavily.

1 MR. NAMMAR: Nothing further.

2 MS. PANAGAKOS: Briefly, Your Honor.

3 RECROSS EXAMINATION

4 BY MS. PANAGAKOS:

5 Q And you relied on the ATF and Honolulu Fire Department
6 March 2010 inspection?

7 A That's correct.

8 Q And that allowed them to continue 'cause everything
9 checked out?

10 A Yes. Thank you.

11 MS. PANAGAKOS: Thank you.

12 THE COURT: All right, Mr. Bratakos, you may step
13 down. Thank you.

14 THE WITNESS: Thank you.

15 (witness excused.)

16 THE COURT: All right. We have about four minutes
17 left in the trial day. Can we make use of that in any
18 productive way? I gather not?

19 MR. NAMMAR: No, Your Honor.

20 THE COURT: Then we'll go ahead and take our leave
21 for the day. As we take our recess until tomorrow morning at
22 8:30, I'll remind our jurors to please refrain from discussing
23 the substance of this case with anyone, to refrain from
24 accessing any media or other accounts of this case that may be
25 out there. And finally, please also refrain from conducting

1 any of your own investigations into the facts, circumstances,
2 or persons involved. We will see you tomorrow morning.

3 COURTROOM MANAGER: All rise for the jury.

4 (The jury was excused at 1:26 p.m.)

5 (Whereupon, at 1:27 p.m., the proceedings adjourned.)

6 (End of partial transcript.)

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1 COURT REPORTER CERTIFICATE

2 I, Ann B. Matsumoto, Official Court Reporter, United
3 States District Court, District of Hawaii, do hereby certify
4 that pursuant to 28 U.S.C. Sec. 753 the foregoing is a
5 complete, true, and correct transcript of the stenographically
6 recorded proceedings held in the above-entitled matter and that
7 the transcript page format is in conformance with the
8 regulations of the Judicial Conference of the United States.

9 DATED at Honolulu, Hawaii, January 21, 2025.

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/s/ Ann B. Matsumoto

ANN B. MATSUMOTO, RPR

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